

GLUCK DANIEL ATKINSON LLP

Craig C. Daniel (SBN 212588)
litigation@gluckdaniel.com
201 Mission Street, Suite 1330
San Francisco, CA 94105
Telephone: (415) 510-2509

REID COLLINS & TSAI LLP

Angela J. Somers (*pro hac vice* forthcoming)
asomers@reidcollins.com
Jeffrey E. Gross (*pro hac vice* forthcoming)
jgross@reidcollins.com
Minyao Wang (*pro hac vice* forthcoming)
mwang@reidcollins.com
420 Lexington Avenue, Suite 2731
New York, NY 10170
Telephone: (212) 344-5200
Facsimile: (212) 344-5299

*Special Counsel to Trustees of the Cred Inc.
Liquidation Trust*

**QUINN EMANUEL URQUHART
SULLIVAN LLP**

Michael B. Carlinsky (*pro hac vice* pending)
michaelcarlinsky@quinnemanuel.com
Renita N. Sharma (*pro hac vice* pending)
renitasharma@quinnemanuel.com
51 Madison Ave., 22nd Floor
New York, NY 10010
Telephone: (212) 849-7000
Facsimile: (212) 849-7100

**QUINN EMANUEL URQUHART
SULLIVAN LLP**

Terry L. Wit (SBN 233473)
terrywit@quinnemanuel.com
50 California Street, 22nd Floor
San Francisco, CA 94111
Telephone: (415) 875-6600
Facsimile: (415) 875-6700

**QUINN EMANUEL URQUHART
SULLIVAN LLP**

Eric D. Winston (SBN 202407)
ericwinston@quinnemanuel.com
865 S. Figueroa St., 10th Floor
Los Angeles, California 90017
Telephone: (213) 443-3000
Facsimile: (213) 443-3100

*Attorneys for Defendants Lockton Companies
LLC and Lockton Companies LLC – Pacific Series*

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION**

CEDRIC DE LISSER, CHRISTOPHER MOSER,)
And MICHAEL MICHELIN, in their capacity as)
the Trustees of the Cred Liquidation Trust,)

Plaintiffs,)

v.)

LOCKTON INSURANCE COMPANY LLC,)
d/b/a LOCKTON INSURANCE BROKERS LLC,)
a Missouri limited liability company; LOCKTON)
COMPANIES, LLC- PACIFIC SERIES, d/b/a)
LOCKTON INSURANCE BROKERS LLC, a)
Missouri limited liability company; and DOES 1-)
10, inclusive.)

Defendants.)

Case No. 4:23-cv-00243

**[Removal from Superior Court of California,
County of San Francisco, Case No.
CGC-22603638]**

**STIPULATION REGARDING BRIEFING
SCHEDULES AND RELATED ISSUES**

State Action Filed: December 22, 2022

1 Pursuant to Civil Local Rules 6-1(a) and 7-12, Plaintiffs Cedric De Lisser, Christopher Moser,
2 and Michael Michelin, in their capacity as the Trustees of the Cred Liquidation Trust (collectively
3 “Plaintiffs”) and Defendants Lockton Companies LLC, d/b/a Lockton Insurance Brokers LLC and
4 Lockton Companies, LLC- Pacific Series, d/b/a Lockton Insurance Brokers LLC, (together
5 “Defendants”), through their respective undersigned counsel, hereby stipulate as follows:

6 WHEREAS, Plaintiffs commenced this litigation against Defendants in the Superior Court of
7 California, County of San Francisco (the “State Court”), by complaint docketed on December 22, 2022¹;

8 WHEREAS, Plaintiffs filed an amended complaint (the “Amended Complaint”) which was
9 docketed with a filing date of January 17, 2023 (the “Action”)²;

10 WHEREAS, the caption of the Amended Complaint corrected the name of one of the defendants
11 from Lockton Insurance Company LLC to Lockton Companies LLC and made other minor
12 corresponding changes to the original complaint;

13 WHEREAS, on January 18, 2023, Defendants removed the Action from the State Court to this
14 Court by allegedly invoking 28 U.S. C. §§ 1334(b), 1446 and 1452(a)); and

15 WHEREAS, the parties have conferred and, in an effort to achieve efficiency and conserve
16 judicial resources, reached an agreement concerning the inclusion in this Court’s record of the Amended
17 Complaint, the issuance of a summons, and deadlines governing the parties’ anticipated forthcoming
18 motions;

19 WHEREFORE, IT IS HEREBY STIPULATED PURSUANT TO CIVIL LOCAL RULES 6-1(a)
20 AND 7-12 THAT:

- 21 1. Defendants will update the record related to the Action to include the State Court docket
22 entry for the Amended Complaint, which entry pre-dated the removal, but which was not on
23 the State Court electronic docket on or about the time of the removal;
- 24 2. After completion of 1. above, the case caption for the Action will be modified to comport
25 with the caption on the Amended Complaint with the parties listed as follow
26

27 ¹ After Defendants filed the Notice of Removal, Plaintiffs informed Defendants this complaint was filed on December 19,
28 2022.

² After Defendants filed the Notice of Removal, Plaintiffs informed Defendants this Amended Complaint was filed on
January 9, 2023.

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**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION**

CEDRIC DE LISSER, CHRISTOPHER MOSER,)
And MICHAEL MICHELIN, in their capacity as)
the Trustees of the Cred Liquidation Trust,)

Plaintiffs,

v.

LOCKTON COMPANIES LLC, d/b/a)
LOCKTON INSURANCE BROKERS LLC, a)
Missouri limited liability company; LOCKTON)
COMPANIES, LLC- PACIFIC SERIES, d/b/a)
LOCKTON INSURANCE BROKERS LLC, a)
Missouri limited liability company; and DOES 1-)
10, inclusive.)

Defendants.)

Case No. 4:23-cv-00243

State Action Filed: December 22, 2022

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3. Plaintiffs will submit to the clerk of this Court a summons for issuance based on the Amended Complaint and such submission will continue to reserve all rights of Plaintiffs to contest removal and seek remand;
4. By midnight Pacific Time on February 17, 2023, Plaintiffs will, either (i) file their motion to remand and/or to abstain, or (ii) inform Defendants that they do not intend to so move;
5. If Plaintiffs move to remand and/or to abstain, by midnight Pacific Time for all of the following (i) Defendants' motions to dismiss would be due three weeks following the Court's order resolving Plaintiffs' motion to remand and/or abstain; (ii) Plaintiffs' oppositions to such motions to dismiss will be due three weeks from the filing of such motions; (iii) Defendants' replies in support of such motions to dismiss will be due one week after the filing of such oppositions, and (iv) any hearing on such motions to dismiss will take place at least seven days after the filing of the reply briefs;
6. If Plaintiffs decide not to move to remand or to abstain, (i) Defendants' motions to dismiss will be due on March 10, 2023; (ii) Plaintiffs' oppositions to such motions to dismiss will be

1 due on March 31, 2023; (iii) Defendants' replies in support of such motions to dismiss would
2 be due on April 7, 2023 and (iv) any hearing on such motions to dismiss will take place at
3 least seven days after the filing of the reply briefs;

- 4 7. Except for the matters expressly stated herein, this Stipulation shall be without prejudice to
5 any party with respect to any position, argument, or objection in this case whatsoever,
6 including, but not limited to, those relating to subject matter jurisdiction, abstention under 28
7 U.S.C. § 1334, or equitable remand under 28 § U.S.C. 1452(b) , all of which are expressly
8 preserved;
- 9 8. Nothing shall prevent the parties together or Plaintiffs or Defendants, individually, from
10 seeking a further extension of a deadline from this Court, though each party reserves the right
11 to object to any such extension.

12 IT IS SO STIPULATED

13 Dated: January 26, 2023

Respectfully submitted,

GLUCK DANIEL ATKINSON LLP

/s/ Craig C. Daniel

Craig C. Daniel (SBN 212588)
litigation@gluckdaniel.com
201 Mission Street, Suite 1330
San Francisco, CA 94105
Telephone: (415) 510-2509

Angela J. Somers (*pro hac vice* forthcoming)
asomers@reidcollins.com

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jgross@reidcollins.com

Min Yao Wang (*pro hac vice* forthcoming)
mwang@reidcollins.com

REID COLLINS & TSAI LLP
420 Lexington Avenue, Suite 2731
New York, NY 10170
Telephone: (212) 344-5200
Facsimile: (212) 344-5299

*Special Counsel to Trustees of the Cred Inc.
Liquidation Trust*

1 Dated: January 26, 2023

Respectfully submitted,

2 **QUINN EMANUEL URQUHART**
3 **SULLIVAN LLP**

4 /s/ Terry L. Wit

5 Terry L. Wit (SBN 233473)
6 terrywit@quinnemanuel.com
7 50 California Street, 22nd Floor
8 San Francisco, CA 94111
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12 michaelcarlinsky@quinnemanuel.com
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19 Telephone: (212) 849-7000
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22 ericwinston@quinnemanuel.com
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24 **SULLIVAN LLP**

25 865 S. Figueroa St., 10th Floor
26 Los Angeles, California 90017
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Series*

21 **[PROPOSED] ORDER**

22 PURSUANT TO STIPULATION AND GOOD CAUSE APPEARING, IT IS SO ORDERED.

23 SO ORDERED this ____ Day of _____, 2023.

24 _____
25 UNITED STATES MAGISTRATE JUDGE